IV. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 33-59 are pending in the application. Claims 32, 41, 45, and 48 are independent.

Applicants have added new dependent Claims 56-59 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification (see the paragraph bridging pages 12-13 of the specification), and are believed to be allowable for the reasons to be developed below.

Claims 37-38 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons noted at page 2 of the Office Action. Applicants respectfully traverse this rejection on the ground that the person of ordinary skill in the art would not be confused as to the meaning or scope of the claims. Nevertheless, these claims have been amended for clarity with the specification and Drawings, and not in response to any statutory requirement.

The drawings were objected to for the reasons noted at page 2 of the Office Action. Applicants respectfully traverse this objection. 37 C.F.R. § 1.81(a)

requires drawings only "where necessary for the understanding of the subject matter sought to be patented." Applicants respectfully submit that the person of ordinary skill in this field readily understands the structure of "a porous surface defined by a plurality of interconnecting struts" without the necessity for a drawing showing such well known stent features. Indeed, the Office Action and cited art make clear that the Examiner fully understands the structure encompassed by this phrase. Accordingly, Applicants respectfully submit that the drawings are in compliance with 37 C.F.R. § 1.81.

Claims 32-56 were rejected as being unpatentable over Alt, for the reasons noted at pages 3-5 of the Office Action. Applicants respectfully traverse all art rejections.

Each of the independent claims recites a novel combination of structure and/or function whereby to the stent is expandable to **a maximum yield point** when the tubular wall has a diameter of **less than or equal to about 3.5 mm**. As discussed in the specification, the present invention has particular utility in small body passageways where larger stents (such as Alt) will likely recoil after expansion, leading to an improperly implanted stent. The Examiner is respectfully requested to review the specification from the

second full paragraph on page 4 to the third full paragraph of page 5. For the Examiner's convenience, attached herewith is a "Stress Strain Curve for Ductile Material", to graphically demonstrate the principles discussed in the specification.

Alt is nothing more than the prior art discussed at page 5 of the specification. Specifically, Alt fails to disclose or suggest that the stent is expandable to **a maximum yield point** when the tubular wall has a diameter of **less than or equal to about 3.5 mm.** In fact, Alt does not even inherently suggest this structural feature of the present invention, and actually teaches away from the Applicants' solution to the small passageway stent problem. For example, Alt teaches at Column 16, lines 58-60 that his stent is expandable "in a range from about 2.5 to about 5.0 mm, with a maximum of about 6.0 mm." Thus, Alt's maximum expansion point (presumably its maximum yield point) is between 5.0 and 6.0 mm. If the Alt stent were expanded to 3.5 mm, this would place it in the elastic region of the attached chart. As described at page 5 of the subject application, the stent would likely experience recoil, shrink slightly, and fail to be properly implanted. Stated another way, the Alt stent expanded to less than about 3.5 mm could not have reached its **maximum yield point.** Therefore, Alt fails to disclose or

suggest a stent having **a maximum yield point** when the tubular wall has a diameter of **less than or equal to about 3.5 mm.**

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.